

### REMARKS/ARGUMENTS

Applicant has previously filed the following documents:

- Amendment Under Rule 116;
- Resolution of the Board of Directors;
- Declaration of Russell Slifer with Exhibit A (1 page), Exhibit B (1 page), Exhibit C (4 pages), and Exhibit D (8 pages); and
- Declaration of Edward Pencoske with Exhibit A (1 page) and Exhibit B (3 pages).

Applicant has filed herewith a petition under Rule 183 to waive the rules to enable the Declaration of Russell Slifer to be considered in the place of a declaration from the inventor, who has refused to sign the declaration under Rule 131.

It is a matter of record that Micron Technology, Inc. ("Micron") is the owner by assignment of the present application. The assignment is recorded at Reel No. 012356, Frame No. 0202. Russell Slifer, as set forth in each of his declarations, is Chief Patent Counsel for Micron and the authorized representative of Micron. To ensure that there is no question on this point, a resolution from the Board of Directors of Micron indicating that Russell Slifer has the authority to act on Micron's behalf in patent matters was previously filed.

Section 715.02 of the MPEP discusses the issue of how much of the claimed invention must be shown. That section of the MPEP states as follows:

The 37 CFR 1.131 affidavit or declaration must establish possession of either the whole invention claimed or something falling within the claim (such as a species of a claimed genus), in the sense that the claim as a whole **reads on it** (emphasis added).

The declaration of Russell Slifer first establishes a correspondence between each of the figures of the application and the sheets of figures of the disclosure. That is accomplished in paragraph 5 of the declaration. Paragraph 6 of the declaration sets forth claim 1 in its entirety. For each limitation in the claim, examples of elements which support that limitation are identified in the figures of the application, i.e., the claim is read on the figures of the application. Because the figures in the application are identical to the figures of the disclosure, the necessary

relationship between the claimed invention and the disclosure materials is set forth in explicit detail. Each of the independent claims is treated in a similar manner.

Applicant has at all times made a diligent effort to comply with the requirements of the Office and to place the instant application in condition for allowance. The issue fee for this application has already been paid. Accordingly, it is respectfully requested that the instant application be passed to issue so that a patent may be issued for claims 1-38 and 41-44. If the examiner is of the opinion that the instant application is in condition for disposition other than through issuance, the examiner is respectfully requested to NOT issue a first action rejection, but instead to contact applicant's attorney at the telephone number listed below so that any further requirements may be addressed without the need to file a third RCE in this case.

Respectfully submitted,



Edward L. Pencoske  
Reg. No. 29,688  
Jones Day  
One Mellon Center  
500 Grant Street, 31st Floor  
Pittsburgh, PA 15219  
Telephone: (412) 394-9531  
Fax: (412) 394-7959